

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jerome Garcia,)	C/A No.: 3:19-1934-JMC-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Danny Brown and Addy Perez,)	
)	
Defendants.)	
)	

Jerome Garcia (“Plaintiff”), proceeding pro se and in forma pauperis, brought this action pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civ. Rule 73.02(B)(2)(d) (D.S.C.).

This matter comes before the court on Plaintiff’s motion for a subpoena to Big Fish Entertainment. [ECF No. 36]. The subpoena requests audio and video recordings from a traffic stop. Plaintiff did not provide an address in the appropriate place¹ to advise Big Fish Entertainment where to produce the requested materials. *Id.* Plaintiff also signed in the blank for an attorney signature and provided his name and address in the blank for an attorney’s name and address. As Plaintiff is not an attorney, he should leave all spaces

¹ Plaintiff’s address should be written in the box marked “Place” to indicate that the materials should be served at that address.

for an attorney blank. If he provides an appropriate subpoena, the clerk's signature will make the subpoena effective.

Additionally, Plaintiff has failed to show that he can pay the costs associated with serving the subpoena and any costs Big Fish Entertainment may assess for producing the materials. There is no requirement under 28 U.S.C. § 1915 that the court pay costs incurred with regard to a subpoena. *See Badman v. Stark*, 139 F.R.D. 601, 604 (M.D. Pa. 1991) (inmates proceeding under 28 U.S.C. § 1915 are not entitled to have their discovery costs underwritten or waived); *see also Nance v. King*, No. 88-7286, 1989 WL 126533, at *1 (4th Cir. Oct. 18, 1989) (unpublished opinion). Therefore, because Plaintiff has failed to provide an address for compliance with the subpoenas or indicated he intends to serve the subpoenas and pay the appropriate costs, the undersigned denies the motion without prejudice to refile if Plaintiff remedies the deficiencies in the current subpoena.

IT IS SO ORDERED.

March 3, 2020
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge